

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX, INC.,

Plaintiff,

vs.

CISCO SYSTEMS, INC., et al.

Defendants.

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Civil Action No. 6:10-cv-417

JURY TRIAL DEMANDED

**JOINT MOTION TO EXCEED LIMITS ON
EXHIBIT AND DEPOSITION DESIGNATIONS FOR TRIAL**

Plaintiff VirnetX, Inc. (“VirnetX”), and Defendant Apple Inc. (“Apple”) (collectively, “the Parties”) respectfully move for leave for the parties to exceed the limitations on exhibit and deposition designations set forth in this Court’s Standing Order Regarding Letter Briefs (“Standing Order”). The Standing Order presumptively limits each side in a patent case to 250 exhibits and 10 hours of deposition testimony absent a showing of good cause.

The Court previously denied Defendants’ Motion to Exceed Limits on Exhibit and Deposition Designations for Trial (Dkt. No. 502) in light of the fact that Cisco Systems, Inc. and Apple Inc. will be tried separately. *See* Dkt. No. 543. In the prior motion, Defendants had requested leave for each side to designate 750 exhibits and 20 hours of deposition testimony. Since that time, however, the Parties have worked together to streamline the issues before the Court and now respectfully request leave for each side to designate 500 exhibits and 15 hours of deposition testimony. This Motion is intended to reduce the number of issues which must be brought before the Court during trial, and the parties will continue to endeavor to reduce any objections to trial exhibits and deposition designations. Good cause exists to modify those limits

here based on the number of asserted patents, the number accused products, the number of prior art references, and the overall complexity of this case.

Dated: October 16, 2012.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Douglas A. Cawley

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**ATTORNEYS FOR DEFENDANT
APPLE INC.**

CERTIFICATE OF CONFERENCE

The undersigned certified that counsel for the parties met and conferred regarding the relief sought in this joint motion and agree on the relief sought.

/s/ Ryan Hargrave
Ryan Hargrave

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 16th day of October, 2012. Local Rule CV-53(a)(3)(A).

/s/ Ryan Hargrave
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